

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

FILED
U.S. BANKRUPTCY COURT S.C.
NORTHERN DISTRICT OF IOWA

FEB 21 1991

BARBARA A. EVERLY, CLERK

IN RE:

CLAYTON F. TONJES and	)	Chapter 7
SANDRA J. TONJES,)	
	)	Bankruptcy No. X90-00627S
Debtors.)	

FIRST NATIONAL BANK OF)	
SIOUX CITY, IOWA as)	
Conservator for Michael L.)	
Johnson, Jr. and Dustin L.)	
Johnson,	)	Adversary No. X90-0132S
)	
Plaintiffs,)	
)	
vs.)	
)	
CLAYTON F. TONJES and)	
SANDRA J. TONJES,)	
)	
Defendants.)	

JUDGMENT

The issues of this proceeding having been duly considered by the Honorable William L. Edmonds, United States Bankruptcy Judge, and a decision having been reached without trial or hearing, upon a Stipulation for Judgment filed by the parties on January 24, 1991,

IT IS ORDERED AND ADJUDGED:

First National Bank of Sioux City, Iowa, as conservator for Michael L. Johnson, Jr. shall recover from defendants Clayton F. Tonjes and Sandra J. Tonjes, jointly and severally, the sum of \$22,500.00. This judgment is non-dischargeable pursuant to 11 U.S.C. § 523(a)(4) and § 523(a)(6).

First National Bank of Sioux City, Iowa, as conservator for Dustin L. Johnson shall recover from defendants Clayton F. Tonjes and Sandra J. Tonjes, jointly and severally, the sum of \$22,500.00. This judgment is non-dischargeable pursuant to 11 U.S.C. § 523(a)(4) and § 523(a)(6).

First National Bank of Sioux City, Iowa as conservator for Michael L. Johnson, Jr. and as conservator for Dustin L. Johnson shall recover from Merchants Bonding Company the sum of \$40,000.00.

Merchants Bonding Company shall recover from defendants Clayton F. Tonjes and Sandra J. Tonjes, jointly and severally, the sum of \$40,000.00. Such judgment shall not be dischargeable in bankruptcy.

Execution on the judgment of First National Bank of Sioux City, Iowa as conservator of Michael L. Johnson, Jr. shall be withheld upon the condition that the defendants, Clayton F. Tonjes and Sandra J. Tonjes, pay the sum of \$241.79 per month to First National Bank of Sioux City, Iowa and a like amount on the first day of each and every month thereafter with said unpaid balance bearing interest at the rate of 10 per cent. The first \$2,500.00 paid by Clayton F. Tonjes and Sandra J. Tonjes shall be paid to Michael L. Johnson, Jr. conservatorship; thereafter, the payments shall be made to Merchants Bonding Company.

Execution on the judgment of First National Bank of Sioux City, Iowa as conservator for Dustin L. Johnson shall be withheld upon the condition that the defendants, Clayton F. Tonjes and Sandra J. Tonjes, pay the sum of \$241.79 per month and a like amount on the first day of each and every month thereafter with said unpaid balance bearing interest at the rate of 10 per cent. The first \$2,500.00 paid by the defendants shall be paid to Dustin L. Johnson conservatorship; thereafter, the payments shall be made to Merchants Bonding Company.

On the completion of payment of \$2,500.00 plus interest to the First National Bank of Sioux City, Iowa, as conservator for Michael L. Johnson, Jr., the conservator shall file a partial satisfaction of judgment for that amount.

Upon the completion of payment of \$2,500.00 plus interest to the First National Bank of Sioux City, Iowa, as conservator for Dustin L. Johnson, the conservator shall file a partial satisfaction of judgment for that amount.

Upon the completion of all payments due under this judgment, Merchants Bonding Company shall file a satisfaction of judgment for the judgment held by it.

If defendants, Clayton F. Tonjes and Sandra J. Tonjes, make payments as required by this judgment, Merchants

Bonding Company waives any rights it may have to claim attorneys' fees from the defendants. If the defendants fail to make payments when due, Merchants Bonding Company shall have the right to claim attorneys' fees, and the court reserves jurisdiction to award attorneys' fees.

If defendants, Clayton F. Tonjes and Sandra J. Tonjes, fail to make any payments when due under this judgment, the entire balance of the unpaid portion of the judgment shall become due, and the plaintiff or Merchants Bonding Company shall be free to exercise any and all post-judgment remedies. Proof of the unpaid portion of the judgment shall be made by affidavit to the clerk by the parties whose interests are affected.



(SEAL OF THE U. S. BANKRUPTCY COURT)

Barbara A. Everly
Clerk of Bankruptcy Court

Date of Issuance: 2-21-91 By: *Louis McElroy*

*Copies mailed with Order
2-21-91, AM*

Re Judgment

"Terms and conditions re payment
and satisfaction* of these judgments,
as agreed to by parties,
are contained in the judgment."

Do first 4 paragraphs and then
add this above paragraph in the
judgment book entry

per WLE on 2/21/91

Would have talked with
Barb but she was not here
today because of illness 2/21/91

X90-00627S X90-0132S

mg

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

FILED
U.S. BANKRUPTCY COURT S.C.
NORTHERN DISTRICT OF IOWA

FEB 21 1991

BARBARA A. EVERLY, CLERK

IN RE:

CLAYTON F. TONJES and
SANDRA J. TONJES,

Debtors.

Chapter 7

Bankruptcy No. X90-00627S

FIRST NATIONAL BANK OF
SIOUX CITY, IOWA as
Conservator for Michael L.
Johnson, Jr. and Dustin L.
Johnson,

Plaintiffs,

vs.

CLAYTON F. TONJES and
SANDRA J. TONJES,

Defendants.


Adversary No. X90-0132S

ORDER RE: JUDGMENT UPON STIPULATION

This matter is before the court on a "Stipulation for
Judgment" filed by the parties on January 24, 1991. Accordingly,

IT IS ORDERED that judgment shall enter in accordance with
the Stipulation.

SO ORDERED ON THIS 21st DAY OF February, 1991.


William L. Edmonds, Bankruptcy Judge

cc: Jeffrey Myers
F. Richard Lyford
Maxine M. Buckmeier
U. S. Trustee
on 2/21/91, *JN*

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA
OCT 22 1993

BARBARA A. EVERLY, CLERK

IN RE:
CLAYTON F. TONJES and
SANDRA J. TONJES,

Debtors.

FIRST NATIONAL BANK OF
SIOUX CITY, IOWA, AS
CONSERVATOR FOR MICHAEL L.
JOHNSON, JR. and DUSTIN L.
JOHNSON,

Plaintiffs,

v.

CLAYTON F. TONJES and
SANDRA J. TONJES,

Defendants.

BANKRUPTCY CASE NO.
X-90-00627S

ADVERSARY NO. X-90-0132S
Chapter 7

AFFIDAVIT IN SUPPORT OF
REQUEST FOR ATTORNEY FEES

STATE OF IOWA)
) ss:
COUNTY OF POLK)

I, F. Richard Lyford, hereby state that I am the attorney for Merchants Bonding Company and that no funds have been paid to Merchants Bonding Company under the judgment entered on February 28, 1991.

I further depose and state that Merchants Bonding Company has incurred reasonable attorney fees in the amount of \$1,285.00 and disbursements in the amount of \$85.80 in connection with this

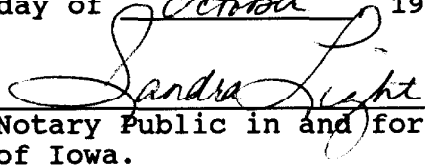
Recorded: Vol II
page 267

action, for the services itemized in the attached Exhibit A which is made a part hereof by this reference.


F. Richard Lyford

Subscribed and sworn to before me, a notary public, in and for the State of Iowa this 19 day of October 1993.




Notary Public in and for the State of Iowa.

Copy Returned
10-26-93
my

EXHIBIT A**ATTORNEY FEE AFFIDAVIT**

ATTORNEY	DATE	DESCRIPTION	TIME
FRL	5/29/90	Telephone conference with client	.40
FRL	6/8/90	Prepare Complaint.	1.00
FRL	6/11/90	Telephone conference with counsel; revise Complaint.	.50
FRL	6/17/90	Letter to counsel.	.20
FRL	6/19/90	Letter to Stan McCormack.	.20
FRL	6/20/90	Telephone conference with Jeff Mohrhauser.	.30
FRL	6/21/90	Telephone conference with counsel.	.20
FRL	6/27/90	Letter to Jeff Mohrhauser and telephone conference with him.	.50
LC	6/27/90	Research dischargeability of debt.	2.80
FRL	7/11/90	Telephone conference with counsel.	.30
FRL	7/13/90	Telephone conference with Maxine Buckmeier; review Complaint.	.30
FRL	7/18/90	Letter to client.	.10
FRL	9/19/90	Telephone conference with counsel.	.50
FRL	9/19/90	Several telephone conferences with counsel for new conservator.	.30
FRL	9/24/90	Letter to counsel; letter to Prudential.	.50
FRL	10/2/90	Draft stipulation.	1.00
FRL	10/3/90	Revise proposed stipulation for judgment; letter to counsel.	.50
FRL	12/28/90	Letter to counsel.	.20
FRL	2/21/91	Hearing; letter to client.	.50
FRL	2/23/91	Letter to client.	.20
FRL	2/27/91	Letter to Maxine Buckmeier; draft order.	.50
FRL	2/28/91	Revise orders.	.50
FRL	5/13/91	Several telephone conferences with Maxine Buckmeier and Jeff Mohrhauser.	.30
FRL	9/16/92	Telephone conference with counsel.	.20
FRL	3/16/93	Telephone conference with Jeff Mohrhauser.	.30
FRL	3/17/93	Several telephone conferences re amount paid by Tonjes.	.40
FRL	7/27/93	Telephone conference with and letter to Federal Clerk re executed stipulation.	.30

RECAPITULATION

FRL - F. Richard Lyford
LC - Law Clerks

FRL: 10.2 hours at \$115.00 per hour = \$1,173.00

LC: 2.8 hours at \$40.00 per hour = \$112.00

Disbursements:

Telephone calls	\$ 24.49
Computer research on 6/28	46.31
Certified copies	<u>15.00</u>
Total Disbursements:	85.80

C:\WP51\SIL\ATTTEE.WP

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

IN RE:)	
CLAYTON F. TONJES and)	
SANDRA J. TONJES,	)	BANKRUPTCY CASE NO.
	)	X-90-00627S
Debtors.)	
)	
FIRST NATIONAL BANK OF	)	ADVERSARY NO. X-90-0132S
SIOUX CITY, IOWA, AS	)	Chapter 7
CONSERVATOR FOR MICHAEL L.)	
JOHNSON, JR. and DUSTIN L.)	
JOHNSON,)	
)	
Plaintiffs,)	
)	
v.	)	PRAECIPE AND APPLICATION
	)	FOR EXECUTION
CLAYTON F. TONJES and)	
SANDRA J. TONJES,)	
)	
Defendants.)	

Merchants Bonding Company hereby applies to the Court for a general execution in the form attached as Exhibit A to execute on the judgment entered on January 24, 1991, and states to the Court:

1. On January 24, 1991, a Stipulation for Judgment in the above-styled bankruptcy was entered on behalf of First National Bank of Sioux City, as conservator for Michael L. Johnson, Jr. and Dustin L. Johnson, and Merchants Bonding Company in the sum of \$45,000. Judgment was entered on February 21, 1991.

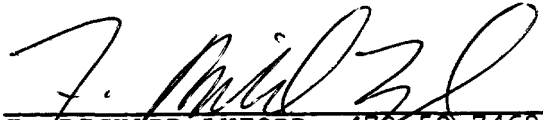
2. The stipulation for judgment required Clayton F. Tonjes and Sandra J. Tonjes to jointly and severally pay \$45,000 in monthly installments of \$241.79 per month for each child (a total of \$483.58 per month) beginning on February 1, 1991.

3. Had Clayton F. Tonjes and Sandra J. Tonjes made such payments timely in accordance with the stipulation, the amount

required by them to be paid to the conservator for Michael L. Johnson, Jr. and Dustin L. Johnson would be satisfied.

4. Merchants Bonding Company has made demand for payment as shown by the copy of the letter attached as Exhibit B but to date no response has been received. Merchants is, therefore, entitled to an execution in the sum of \$40,000 plus 10 percent interest from the date of its payment, February 28, 1991 and for attorney fees in the amount of \$1,285.00 and costs of \$85.80 for a total of \$1,370.80 as shown by the attached affidavit, Exhibit C, and such further attorney fees as may be necessary to collect such sum.

WHEREFORE, Merchants Bonding Company prays that the Court issue the execution as attached and that the Court direct the Sheriff of Woodbury County to act upon such execution and enter judgment for attorney fees and costs in the amount of \$1,370.80.



F. RICHARD LYFORD 478-50-7468

OF

DICKINSON, THROCKMORTON, PARKER,
MANNHEIMER & RAIFE,
A PROFESSIONAL CORPORATION
1600 Hub Tower, 699 Walnut Street
Des Moines, IA 50309-3986
(515) 244-2600
(515) 246-4550 fax

ATTORNEY FOR MERCHANTS BONDING
COMPANY.

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

IN RE:)	
CLAYTON F. TONJES and)	
SANDRA J. TONJES,	)	BANKRUPTCY CASE NO.
	)	X-90-00627S
Debtors.)	
)	
FIRST NATIONAL BANK OF	)	ADVERSARY NO. X-90-0132S
SIOUX CITY, IOWA, AS	)	Chapter 7
CONSERVATOR FOR MICHAEL L.)	
JOHNSON, JR. and DUSTIN L.)	
JOHNSON,)	
)	
Plaintiffs,)	
)	
v.	)	GENERAL EXECUTION
)	
CLAYTON F. TONJES and)	
SANDRA J. TONJES,)	
)	
Defendants.)	

TO: THE SHERIFF OF WOODBURY COUNTY, IOWA

GREETINGS:

WHEREAS, on the 21st day of February, 1991, by the judgment of the United States Bankruptcy Court for the Northern District of Iowa in the above-styled cause, Merchants Bonding Company recovered judgment against the defendants Clayton F. Tonjes and Sandra J. Tonjes in the sum of Forty-five Thousand Dollars and no/100 (\$45,000), plus interest at the rate of 10 percent from that day which said sums of money are still due and unpaid and still to be collected.

WHEREAS, on the _____ day of November, 1993, by the judgment of the United States Bankruptcy Court for the Southern District of Iowa, the plaintiff, Merchants Bonding Company, recovered judgment

for attorney fees and costs in the sum of One Thousand Three Hundred Seventy and 80/100 Dollars (\$1,370.80), plus interest at the rate of _____ percent from that date;

YOU ARE HEREBY COMMANDED to cause the property of the said Clayton F. Tonjes and Sandra J. Tonjes to be subject to execution, the amounts hereinabove set out and have said money in our Court within seventy (70) days of the date hereof, to tender the same to the Clerk of this Court, and to have you then and there with this writ with your doings hereon.

WITNESS: Clerk of said Court at Sioux City, Iowa, this _____ day of _____, 1993.

(seal)

BARBARA A. EVERLY, CLERK

PLAINTIFF'S ORDER TO LEVY

IN RE CLAYTON F. TONJES and SANDRA J. TONJES,
Debtors,

FIRST NATIONAL BANK OF SIOUX CITY, IOWA, AS
CONSERVATOR FOR MICHAEL L. JOHNSON, JR. AND DUSTIN
L. JOHNSON

Plaintiff

VERSUS

CLAYTON F. TONJES and SANDRA J. TONJES,

Defendant

Bankruptcy Case No. X-90-00627S
Adversary No. X-90-0132S
Chapter 7

Case No. _____

Docket No. _____

INSTRUCTIONS TO ALL ATTORNEYS

BEFORE ANY ACTION CAN BE TAKEN
BY THE POLK COUNTY SHERIFF'S
OFFICE, YOU MUST INDICATE BY
CHECKING "YES" IF THIS IS A
CONSUMER CREDIT TRANSACTION OR
"NO" IF THIS IS NOT A CONSUMER
CREDIT TRANSACTION.

YES _____ NO _____

State of Iowa, Polk County, ss.

To the Sheriff of ^{Woodbury} Polk County, Iowa:

You are hereby directed to levy under a general execution
in the above entitled cause on the following described property, to-wit:
make general demand on Clayton F. Tonjes and Sandra J. Tonjes

Address: 2731 S. Glass, Sioux City, IA 51106

By Garnishment on: _____

The Sheriff is directed to take one answer until further orders.

Merchants Bonding Company Plaintiff

By _____
F. Richard Lyford Plaintiff's Attorney
Address 1600 Hub Tower, 699 Walnut Street
Des Moines, IA 50309-3986

Dated _____, 19 93.

Phone No. (515) 244-2600

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the document attached to this Certificate was mailed to the persons listed below at the addresses indicated, stamped with the appropriate postage for ordinary mail and deposited on the 20 day of October, 1993, in a United States Post Office mail receptacle, in Des Moines, Iowa.

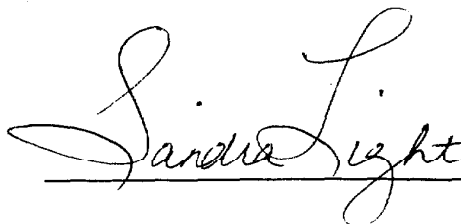
Jeffrey T. Myers
509 - 9th Street
Sioux City, IA 51101

Maxine M. Buckmeier
400 Security Building
P. O. Box 3527
Sioux City, IA 51102

Jeffrey R. Mohrhauser
Suite 300, Toy Building
Sioux City, IA 51101

Wesley B. Huisinga
U.S. Trustee
The Center, Suite 675
425 Second Street S.E.
Cedar Rapids, IA 52401

Donald H. Molstad
224 Davidson Building
Sioux City, IA 51101



UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

In re:

CLAYTON F. TONJES
SANDRA J. TONJES,
Debtor(s)
FIRST NATIONAL BANK OF SIOUX
CITY, IOWA, AS CONSERVATOR FOR
MICHAEL L. JOHN SON, JR. AND
DUSTIN L. JOHNSON
Plaintiff

v.

CLAYTON F. TONJES
SANDRA J. TONJES
Defendant

CHAPTER 7
Bankruptcy No.

X90-00627S

Adversary Proceeding No.
X90-0132S

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

NOV - 1 1993

BARBARA A. EVERLY, CLERK

NOTICE Setting **TELEPHONIC** Hearing re: Motion for Award
of Fees of F. Richard Lyford filed 10/22/93

TO: Attorney for Plaintiff(s): Maxine Bukmeier
Attorney for Defendant(s): Jeffrey T. Myers
F. Richard Lyford for Merchants Bonding Co.
United States Trustee

712 277 1261
712 277 1350
515 244 2600

NOTICE IS HEREBY GIVEN the above matter(s) will come before the Court on:

November 19, 1993 at 1:30 P.M.

ATTORNEY FOR MOVANT IS TO INITIATE THE TELEPHONE CALL. Parties should be ready and available to accept said call. The telephone number for Judge Edmonds' chambers is **(712) 252-5032**. **NOTE: THIS HEARING WILL BE TAPED ON ELECTRONIC RECORDING EQUIPMENT.**

DATED November 1, 1993

BARBARA A. EVERLY
Clerk, Bankruptcy Court

by: *Barbara A. Everly*
Deputy Clerk

P.O. Box 74890
Cedar Rapids, IA 52407

Copies mailed to
parties named above
on date shown MG

EVA

*Recorded Vol. II
Page 267*

Rev. 9/91

UNITED STATES BANKRUPTCY COURT -- NORTHERN DISTRICT OF IOWA
PROCEEDING MEMO AND ORDER

Date: 11/19/93 Chapter 7 Bankr. No. X90-00627S

IN RE: Adv. No. X90-0132S

FIRST NATIONAL BANK et al
vs
CLAYTON & SANDRA TONJES

FILED
U.S. BANKRUPTCY COURT S.C.
NORTHERN DISTRICT OF IOWA
NOV 19 1993
BARBARA A. EVERLY, CLERK

APPEARANCES: ~~Attorney(s) for Plaintiff(s):~~ *Insurance - Jagerstedt creditor* Rich Lyford for

Merchants Bonding Co.

Attorney(s) for ~~Defendant(s):~~ Jeffrey Paulson for First Nat Bank.

U. S. Trustee: _____ Other: _____

NATURE OF PROCEEDING: _____ In Court xx Telephonic

_____ Trial _____ Motion for Summary Judgment
_____ Status Conference _____ Motion to Compel Discovery
_____ Pretrial Conference xx Other Motion for Award of Fees/Richard Lyford

OUTCOME OF PROCEEDING:

☒ The matter having been submitted,
_____ Having been informed that the matter is settled,
_____ And findings of fact and conclusions of law having been orally stated,

IT IS ORDERED THAT:

☒ The matter is taken under advisement. Briefs due _____

_____ Settlement documents are to be submitted within 30 days or the matter will be dismissed pursuant to Local Rule 13(D).

☒ JUDGMENT is entered as follows pursuant to Fed.R.Bankr.P. 9021. JB []
_____ (Other)

*Counsel for Merchants has 14 days
to file and serve copy of
Contract with defendants upon
which Motion for fees is based.*

copies mailed to:
Richard Lyford; Jeffrey
Myers; Maxine Bukmeier;
& U. S. Trustee;
this 11/19/93 jjm

SO ORDERED:

W. J. J.
U. S. Bankruptcy Judge

Recorded: Vol II
p. 267

NOV 23 1993

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

BARBARA A. EVERLY, CLERK

IN RE:)	
CLAYTON F. TONJES and)	
SANDRA J. TONJES,	)	BANKRUPTCY CASE NO.
	)	X-90-00627S
Debtors.)	
)	
FIRST NATIONAL BANK OF	)	ADVERSARY NO. X-90-0132S
SIOUX CITY, IOWA, AS	)	Chapter 7
CONSERVATOR FOR MICHAEL L.)	
JOHNSON, JR. and DUSTIN L.)	
JOHNSON,)	
)	
Plaintiffs,)	
)	
v.	)	SUBMISSION OF INDEMNITY
	)	AGREEMENT
CLAYTON F. TONJES and)	
SANDRA J. TONJES,)	
)	
Defendants.)	


Merchants Bonding Company submits the attached indemnity agreement which forms the basis of its claim for attorney fees in the above-styled matter. The agreement provides in part:

"The undersigned further agrees to indemnify and save harmless the said Company for, from and

Recorded:
Vol. II
page 267

against any and all losses, costs, damages and expenses of any nature whatsoever, including counsel fees and expenses, and reimburse said Company for loss adjusting expenses and compensation . . ."

Respectfully submitted,



F. RICHARD LYFORD 478-50-7468

OF

DICKINSON, THROCKMORTON, PARKER,
MANNHEIMER & RAIFE,

A PROFESSIONAL CORPORATION

1600 Hub Tower, 699 Walnut Street

Des Moines, IA 50309-3986

(515) 244-2600

(515) 246-4550 fax

ATTORNEY FOR MERCHANTS BONDING
COMPANY.

F:\RLYFORD\WP60\MBCSUB.PLD

Copy mailed to
Billing Attorney

NOV 23 1995 mg

Merchants



BONDING CO.

— Mutual —

2100 GRAND AVENUE • DES MOINES, IOWA 50312

This form to be used for:
All Miscellaneous Bonds.

APPLICATION FOR BOND

AGENT Andersen, Ida Thelma & Co
AT Sioux City, Iowa

FOR COMPANY USE ONLY

Bond No.
Amount
Premium
Effective date
Expiration date

TO MERCHANTS BONDING COMPANY (Mutual):

Application is hereby made for a bond of suretyship as follows:

1. Applicant's Name Sandra J. Johnson - Tanjes **482602**
2731 So. Glass
Sioux City, Iowa 51106

If partnership give names of partners; if corporation give names of owners and ownership %.

2. Business Address
Street City County State

3. Nature of bond required (If Iowa liquor, type of license) Court ordered bond for conservatorship

4. Name and address of obligee (in whose favor bond is required) Dustin L. Johnson
2731 So. Glass Sioux City, Iowa

5. Amount of bond \$20,000.00 6. Effective date

7. Has this bond been declined? No If so, by what Company?

This Agreement entered into by and between the undersigned applicant or applicants and/or indemnitors, hereinafter called the undersigned, and Merchants Bonding Company (Mutual), of Des Moines, Iowa, hereinafter called the Company, witnesseth:

The undersigned hereby authorizes the Bank of to give the MERCHANTS BONDING COMPANY (Mutual), hereafter called Company, full information upon its request, showing the balance of the undersigned's account at this date, the undersigned certifies that the foregoing statements and declarations are true and, in consideration of the Company executing as surety the bond herein applied for, does hereby promise and agree to pay an annual premium to the Company until such time as the undersigned shall furnish the Company with evidence satisfactory to it of the full and complete termination of its liability on said bond.

The undersigned further agrees to indemnify and save harmless the said Company for, from and against any and all losses, costs, damages and expenses of any nature whatsoever, including counsel fees and expenses, and reimburse said Company for loss adjusting expenses and compensation at the rate of \$100.00 per day for officers and \$50.00 per day for all other personnel, which may accrue to the said Company by reason of the said Company having become surety on said bond.

The undersigned hereby further agrees that the vouchers or other evidence of payments made by the said Company under its obligation of suretyship shall be conclusive evidence against the undersigned of the fact and extent of the undersigned's liability to the said Company under said obligation of the undersigned, whether said payments were made to discharge a penalty thereunder, incurred in the investigation of a claim made thereon or adjusting a loss or claim in connection therewith, or in completing the work covered thereby, and whether voluntarily made or paid after suit and judgment against said Company.

If the Company shall set up a reserve to cover any claim, suit or judgment under any such bond, the undersigned will, immediately upon demand, deposit with the Company a sum of money equal to such reserve, such sum to be held by the Company as collateral security on such bond, and such sum and any other money or property which shall have been, or shall hereafter be, pledged as collateral security on any such bond shall, unless otherwise agreed in writing by the Company, be available, in the discretion of the Company, as collateral security on any other bonds coming within the scope of this Agreement.

It is further agreed that the terms and conditions of this application shall also apply to increases and/or decreases in the amount of this bond, and shall also apply to all renewals whether the bond is continuous, renewed by Continuation Certificate or by the filing of a new bond.

The Company shall have the right, and is hereby authorized, but not required to fill up any blanks left herein, and to correct any errors in the description of any of said bonds, or in said premium or premiums, or in any name or names, it being hereby agreed that such insertion or corrections, when so made, shall be prima facie correct. This application shall be liberally construed so as to fully protect and indemnify the Company, its successors, assigns and reinsurers.

Disclosure to Applicant given pursuant to the Fair Credit Reporting Act. You are hereby notified that an investigative consumer report including information as to your character, general reputation, personal characteristics and mode of living MAY be obtained by the Company. You may request in writing from the Company disclosure of the nature and scope of such report if obtained. (This applies to an individual person only.) I acknowledge I have read the preceding Disclosure.

Dated the 2 day of June A.D. 19 82

Witness: Paul R. Andersen Sandra J. Johnson - Tanjes
Applicant

In consideration of the MERCHANTS BONDING COMPANY (Mutual) executing the bond herein applied for, I (we) jointly and severally join in the above indemnity agreement.

Paul R. Andersen Claydon E. Boyer
Witness Indemnitor

Witness Indemnitor

Witness Indemnitor

Witness Indemnitor

Witness Indemnitor

Witness Indemnitor

Witness Indemnitor

Witness Indemnitor

REVERSE SIDE SHOULD ALSO BE COMPLETED

Sandra Johnson-Tonges

Net Worth

May 1, 1986

Assets

Bank - checking	\$ 500	
Bank - savings	200	
Automobile	25,000	
Personal property	20,000	
Investments - bonds	70,000	
Investments - stocks	50,000	
House	<u>60,000</u>	
Total Assets		<u>\$225,700</u>

Liabilities

Credit accounts	\$ 1,200	
Automobile	9,000	
House	<u>20,000</u>	
Total Liabilities		<u>\$ 30,200</u>
Net Worth		<u>\$195,500</u>


Gary Junge
Accountant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the document attached to this Certificate was mailed to the persons listed below at the addresses indicated, stamped with the appropriate postage for ordinary mail and deposited on the 22 day of November, 1993, in a United States Post Office mail receptacle, in Des Moines, Iowa.

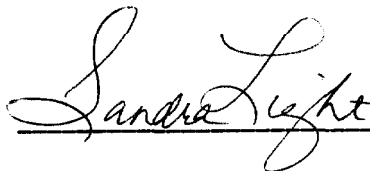
Jeffrey T. Myers
509 - 9th Street
Sioux City, IA 51101

Maxine M. Buckmeier
400 Security Building
P. O. Box 3527
Sioux City, IA 51102

Jeffrey R. Mohrhauser
Suite 300, Toy Building
Sioux City, IA 51101

Wesley B. Huisinga
U.S. Trustee
The Center, Suite 675
425 Second Street S.E.
Cedar Rapids, IA 52401

Donald H. Molstad
224 Davidson Building
Sioux City, IA 51101



FILED
U.S. BANKRUPTCY COURT X
NORTHERN DISTRICT OF IOWA

DEC 17 1993

BARBARA A. EVERLY, CLERK

Defendants.

Adversary No. X90-0132S

Recorded
Vol II
Page 267

ment as agreed, Merchants Bonding Company would have the right to claim attorneys fees. As part of the judgment, the court retained jurisdiction of any such claim.

On October 22, 1993, Merchants Bonding Company, by its attorney F. Richard Lyford, filed an Affidavit in Support of Request for Attorney Fees. Merchants alleges that the judgment debtors have failed to pay and satisfy the judgment, and it asks for an award of fees and reimbursement of attorney's expenses.

An itemization attached to the Affidavit shows that Merchant's attorney expended 10.2 hours of time at a rate of \$115.00 per hour, and that a paralegal expended 2.8 hours of time at a rate of \$40.00 per hour. Merchants requests an award of attorney's fees of \$1,285.00 plus reimbursement of expenses in the amount of \$85.80.

The court set hearing on the request, giving notice to Jeffrey T. Myers, the attorney of record for the Tonjes. Hearing was set by telephone for November 19, 1993. F. Richard Lyford appeared for Merchants. No one appeared for the Tonjes. The court heard argument, and at the close of the hearing, asked counsel for Merchants to submit to the court a copy of the indemnity agreement entitling Merchants to an award of fees. This was filed with the court on November 23, 1993. The agreement provides for the recovery of the bonding company's losses, costs, damages and expenses of any nature including counsel fees and expenses. By their execution of the stipulation for judgment, Tonjes have agreed to the award of these fees.

The court further finds these fees and expenses requested are reasonable. Further attorney fees may be incurred in the pursuit of satisfaction of judgment. Merchants should consider waiting to file a further motion until the judgment is otherwise fully satisfied. Accordingly,

IT IS ORDERED that the motion of Merchants Bonding Company seeking judgment for attorney fees is granted. Judgment shall enter that Merchants Bonding Company shall recover from Clayton F. Tonjes and Sandra J. Tonjes, jointly and severally, attorney's fees and expenses in the amount of \$1,370.80. The court retains jurisdiction to award further fees.

SO ORDERED ON THIS 17th DAY OF DECEMBER, 1993.



William L. Edmonds, Chief Bankruptcy Judge

I certify that on 12-17-93 I mailed a copy of this order and judgment by U. S. mail to: F. Richard Lyford, Jeffrey Myers, Maxine Buckmeier and U. S. Trustee. *fs*

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:

CLAYTON F. TONJES and
SANDRA J. TONJES,

CHAPTER 7

BANKRUPTCY NO. X90-00627S

Debtor s.

FIRST NATIONAL BANK OF SIOUX CITY, as
Conservator for Michael L. Johnson,
Jr. and Dustin L. Johnson
Plaintiff

U.S. BANKRUPTCY COURT X
NORTHERN DISTRICT OF IOWA

DEC 17 1993

vs.

CLAYTON F. TONJES and
SANDRA J. TONJES,

ADVERSARY PROCEEDING NO. X90-00627S

Defendant s.

JUDGMENT

xx This proceeding having come on for trial or hearing before the court, the Honorable William L. Edmonds, Chief United States Bankruptcy Judge, presiding, and the issues having been duly tried or heard and a decision having been rendered,

[OR]

[] The issues of this proceeding having been duly considered by the Honorable William L. Edmonds, Chief United States Bankruptcy Judge, and a decision having been reached without trial or hearing,

IT IS ORDERED AND ADJUDGED:

that Merchants Bonding Company shall recover from Clayton F. Tonjes and Sandra J. Tonjes, jointly and severally, attorney's fees and expenses in the amount of \$1,370.80. The court retains jurisdiction to award further fees.

Vol. II
Page 267



Court Seal

Date of issuance: 12-17-93

copies mailed with order
on 12/17/93, LS

BARBARA A. EVERLY
Clerk, Bankruptcy Court

By: Larissa Sluga

Deputy Clerk

Recorded
Vol II
page 267

DEC 29 1993

BARBARA A. EVERLY, CLERK

PRAECIPE

Des Moines, IA _____, 19____

TO THE CLERK:

You will issue general execution for Woodbury County, Iowa.
in the case of:

(List Plaintiff Names Below)

Clayton F. Tonjes and Sandra J.

Tonjes, Debtors

First National Bank of Sioux City,
as Conservator for Michael L. Johnson,
Jr. and Dustin L. Johnson

(List Defendant Names Below)

vs. Clayton F. Tonjes and Sandra J. Tonjes

Bankruptcy No. X90-00627S
Case No: Adversary No. X90-0132S

Judgment For: _____ (Use P for
Plaintiff, D for Defendant)

Date of Judgment 2 / 21 / 91

Judgment Amount: \$ 40,000 .00

Interest Rate: _____ %

Date Interest Effective From: ____/____/____

Attorney Fees: \$ 1,370.80 .____

Court Costs: \$ _____

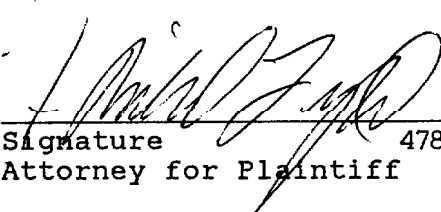
Payment Mailing Information:

F. Richard Lyford
(Name of person to receive payment)

1600 Hub Tower, 699 Walnut Street
(Their Address)

Des Moines, IA 50309-3986

(City, State and Zip Code)


Signature 478-50-7468
Attorney for Plaintiff

Copy mailed to
filing attorney
DEC 29 1993, 11:44

Recorded:
Vol. II
Page 267

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

IN RE:)	
CLAYTON F. TONJES and)	
SANDRA J. TONJES,	)	BANKRUPTCY CASE NO.
	)	X-90-00627S
Debtors.)	
)	
FIRST NATIONAL BANK OF	)	ADVERSARY NO. X-90-0132S
SIOUX CITY, IOWA, AS	)	Chapter 7
CONSERVATOR FOR MICHAEL L.)	
JOHNSON, JR. and DUSTIN L.)	
JOHNSON,)	
)	
Plaintiffs,)	
)	
v.	)	GENERAL EXECUTION
)	
CLAYTON F. TONJES and)	
SANDRA J. TONJES,)	
)	
Defendants.)	

TO: THE SHERIFF OF WOODBURY COUNTY, IOWA

GREETINGS:

WHEREAS, on the 21st day of February, 1991, the judgment of the United States Bankruptcy Court for the Northern District of Iowa in the above-styled cause, Merchants Bonding Company recovered judgment against the defendants, Clayton F. Tonjes and Sandra J. Tonjes, in the sum of Forty Thousand Dollars and no/100 (\$40,000), plus interest at the rate of 10 percent from that day which said sums of money are still due and unpaid and still to be collected.

[Handwritten signature and initials]

WHEREAS, on the 17th day of December, 1993, by the judgment of the United States Bankruptcy Court for the Northern District of Iowa, the plaintiff, Merchants Bonding Company, recovered judgment for attorney fees and costs in the sum of One Thousand Three Hundred Seventy and 80/100 Dollars (\$1,370.80), plus interest at the legal rate from that date;

YOU ARE HEREBY COMMANDED to cause the property of the said Clayton F. Tonjes and Sandra J. Tonjes to be subject to execution, the amounts hereinabove set out and have said money in our Court within seventy (70) days of the date hereof, to tender the same to the Clerk of this Court, and to have you then and there with this writ with your doings hereon.

WITNESS: Clerk of said Court at Cedar Rapids, Iowa, this 29 day of December, 1993.

BARBARA A. EVERLY, CLERK

By *Barbara A. Everly*
~~Deputy~~

F:\RLYFORD\WP60\TONJEXEC.PLD

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

JAN 03 1994

IN RE:

CLAYTON F. TONJES and)
SANDRA J. TONJES,)
Debtors.)

BARBARA A. EVERLY, CLERK
Chapter 7

Bankruptcy No. X90-00627S

FIRST NATIONAL BANK OF)
SIOUX CITY, IOWA, as)
Conservator for Michael L.)
Johnson, Jr. and Dustin L.)
Johnson,)

Plaintiff,)

Adversary No. X90-0132S

vs.)

CLAYTON F. TONJES and)
SANDRA J. TONJES,)
Defendants.)

PROCEEDING MEMO RE: APPLICATION FOR EXECUTION

Merchants Bonding Company obtained judgment in this proceeding against the defendants on February 21, 1991 and obtained a supplemental judgment for attorney fees on December 17, 1993. Merchants Bonding Company filed an application for execution requesting an order authorizing the Sheriff of Woodbury County to act upon an execution issued by the Clerk of the U. S. Bankruptcy Court. The company has now submitted a proposed order.

IT IS ORDERED that Merchants Bonding Company, on or before January 18, 1994, shall file a memorandum of authority for this court to enter such order directed toward the Woodbury County Sheriff.

SO ORDERED ON THIS 3rd DAY OF JANUARY, 1994.



William L. Edmonds, Chief Bankruptcy Judge

I certify that on 1-4-94 I mailed a copy of this order
by U. S. mail to: F. Richard Lyford, Jeffrey Myers, Maxine
Buckmeier and U. S. Trustee. *JS*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA
JAN 24 1994

BARBARA A. EVERLY, CLERK

IN RE:

CLAYTON F. TONJES and
SANDRA J. TONJES

Debtors,

FIRST NATIONAL BANK OF SIOUX CITY
IOWA, as Conservator for
Michael L. Johnson, Jr. and
Dustin L. Johnson,

Plaintiff,

vs.

CLAYTON F. TONJES
SANDRA J. TONJES

Defendants.

Chapter 7

Bankruptcy No. X90-00627S

Adversary No. X90-0132S

MERCHANTS BONDING
COMPANY'S WITHDRAWAL OF
PRAECIPE DATED 12-29-93,
AND MEMORANDUM OF
AUTHORITY FOR ISSUANCE
OF WRIT OF EXECUTION
TO U.S. MARSHAL

MERCHANTS BONDING COMPANY, ("Merchants") in response to this Court's
"Proceeding Memo Re: Application for Execution" submits this Withdrawal of Praecipe and
Memorandum of Authority and in support of such Memorandum states:

1. Merchants has obtained judgments in this court against Clayton F. Tonjes and
Sandra J. Tonjes, residents of Woodbury County, Iowa.

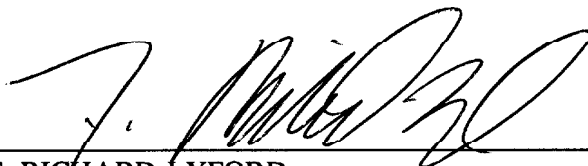
2. A federal court judgment for the payment of money may be enforced by a writ
of execution. The procedure on execution and in aid of such execution shall be in accordance
with the practice and procedure of the state in which the federal court is held. Bankruptcy

Recorded Vol. II
page 267

Rule 7069, Fed. R. Civ. P. 69(a), Governor Clinton Co., Inc. v. Knott, 120 F.2d 149, 153 (2dCir. 1941). If the Bankruptcy Court would authorize it, contemporaneously with these papers a person specially appointed by the Court may levy on property. Bankruptcy Rule 7004(c)(7). Fed. R. Civ. P. 4(c). Merchants has been advised by the U.S. Marshal's office that it is willing to serve papers in this matter.

3. Merchants has filed a Praecipe in this Court for a writ of execution to issue directed to the U.S. Marshal for the Northern District of Iowa, Western Division. This court has authority to issue such execution. Fed. R. Civ. P. 4(c)(1), 9 Collier on Bankruptcy, ¶ 7069.04 (15th ed. 1991).

WHEREFORE Merchants prays that this Court issue a writ of execution running to the U.S. Marshal for the Northern District of Iowa, Western Division in accordance with the Praecipe filed by Merchants.



F. RICHARD LYFORD
OF
DICKINSON, MACKAMAN, TYLER & HAGEN, P.C.
1600 Hub Tower, 699 Walnut Street
Des Moines, IA 50309
(515) 244-2600
FAX: (515) 246-4550

ATTORNEYS FOR MERCHANTS

rcf N/excutwth.mbc

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the document attached to this certificate was mailed to the person(s) listed below at the address(es) indicated, stamped with the appropriate postage for ordinary mail and deposited on the 18th day of January, 1994, in a United States mail receptacle, in Des Moines, Iowa:

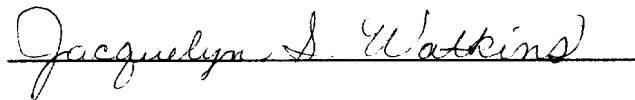
Jeffrey T. Myers
509 - 9th Street
Sioux City, IA 51101

Maxine M. Buckmeier
400 Security Building
P.O. Box 3527
Sioux City, IA 51102

Jeffrey R. Mohrhauser
Suite 300, Toy Building
Sioux City, IA 51101

Wesley B. Huisinga
U.S. Trustee
The Center, Suite 675
425 Second Street S.E.
Cedar Rapids, IA 52401

Donald H. Molstad
224 Davidson Building
Sioux City, IA 51101

A handwritten signature in cursive script, reading "Jacquelyn S. Watkins", is written over a horizontal line.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

JAN 24 1994

BARBARA A. EVERLY, CLERK

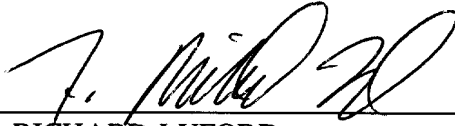
IN RE:)	
	)	Chapter 7
)	
CLAYTON F. TONJES and	)	Bankruptcy No. X90-00627S
SANDRA J. TONJES)	
)	
Debtors,)	
)	
FIRST NATIONAL BANK OF SIOUX CITY	)	Adversary No. X90-0132S
IOWA, as Conservator for)	
Michael L. Johnson, Jr. and)	
Dustin L. Johnson,)	
	)	PRAECIPE FOR WRIT
Plaintiff,	)	OF EXECUTION
)	
vs.)	
)	
CLAYTON F. TONJES)	
SANDRA J. TONJES)	
)	
Defendants.)	

To the Clerk of the United States Bankruptcy Court for the Northern District of Iowa,
Western Division:

Please issue a Writ of Execution in the above entitled cause in favor of Merchants Bonding Company and against Clayton F. Tonjes and Sandra J. Tonjes, for the sum of \$41,370.80 (\$40,000 principal pursuant to a judgment entered on 2-21-91, plus \$1,370.80 attorney fees pursuant to a judgment issued 12-17-93) plus interest at the rate of 10% per annum from the dates of the respective judgments. The writ of execution should run to the U.S. Marshal for the Northern District of Iowa, Western Division.

Recorded: Vol II
page 267

Dated January ____, 1994.



F. RICHARD LYFORD

of

DICKINSON, MACKAMAN, TYLER & HAGEN, P.C.

1600 Hub Tower, 699 Walnut Street

Des Moines, IA 50309

(515) 244-2600

FAX: (515) 246-4550

ATTORNEYS FOR MERCHANTS

rcf N/praecipe.mbc

Copy mailed to
Dana Johnson

Jan 23 1994 VM

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

JAN 24 1994

BARBARA A. EVERLY, CLERK

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

IN RE:

CLAYTON F. TONJES and
SANDRA J. TONJES

Debtors,

FIRST NATIONAL BANK OF SIOUX CITY
IOWA, as Conservator for
Michael L. Johnson, Jr. and
Dustin L. Johnson,

Plaintiff,

vs.

CLAYTON F. TONJES
SANDRA J. TONJES

Defendants.

Chapter 7

Bankruptcy No. X90-00627S

Adversary No. X90-0132S

MERCHANTS BONDING
COMPANY'S ORDER
TO LEVY

STATE OF IOWA)
) SS:
COUNTY OF POLK)

To the U.S. Marshal for the Northern District of Iowa, Western Division:

You are hereby directed to levy under a writ of execution in the above-entitled cause
and to make general demand on defendants Clayton F. Tonjes and Sandra J. Tonjes.

original
Copy mailed to
filing attorney
1-25-94

Recorded: Vol II
page 267

Dated January 17, 1994.



F. RICHARD LYFORD

of

DICKINSON, MACKAMAN, TYLER & HAGEN, P.C.

1600 Hub Tower, 699 Walnut Street

Des Moines, IA 50309

(515) 244-2600

FAX: (515) 246-4550

ATTORNEYS FOR MERCHANTS

rcf N/ord-levy.mbc

copy

United States Bankruptcy Court

NORTHERN District of IOWA

In re CLAYTON F. TONJES and
SANDRA J. TONJES

Bankruptcy Case No.
X90-00627S

Debtors

FIRST NATIONAL BANK OF SIOUX
CITY IOWA, as Conservator for

Plaintiff Michael L. Johnson, Jr. and
Dustin L. Johnson

v.

CLAYTON F. TONJES and

Defendants SANDRA J. TONJES

Adversary Proceeding No.
X90-0132S

WRIT OF EXECUTION TO THE UNITED STATES MARSHAL

Name and Address of Judgment Creditor

Merchants Bonding Company
c/o F. Richard Lyford
1600 Hub Tower, 699 Walnut Street
Des Moines, IA 50309-3986

vs.

Name and Address of Judgment Debtor

Clayton F. Tonjes, Sandra J. Tonjes
2731 South Glass
Sioux City, IA 51106

Amount of Judgment:

\$40,000 and \$1,370.80

Clerk's Fee:

\$ -----

Other Costs:

\$ -----

Interest From:

\$ -----

Costs of this writ:

\$ -----

TO THE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF IOWA:

You are directed to levy upon the property of the above named judgment debtor to satisfy a money judgment in accordance with the attached instructions.

TO THE JUDGMENT DEBTOR:

You are notified that federal and state exemptions may be available to you and that you have a right to seek a court order releasing as exempt any property specified in the marshal's schedule from the levy.

January 25, 1994

Date

Barbara A. Everly
Clerk of the Bankruptcy Court
BARBARA A. EVERLY

UNITED STATES MARSHAL'S RETURN

I received this writ on _____, and executed the same on _____.
(date) (date)

United States Marshal

By: _____

Deputy Marshal

Recorded: Vol 1 II
page 267

U.S. Department of Justice
United States Marshals Service

RECEIVED
PROCESS AND RETURN
See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF	First National Bank of Sioux City as Conservator for Michael L. Johnson, Jr. and Dustin L. Johnson	COURT CASE NUMBER	ADV No. X90-01325
DEFENDANT	Clayton F. Tonjes and Sandra J. Tonjes	TYPE OF PROCESS	Writ of Execution
SERVE ➔ AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Sandra J. Tonjes		
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 2731 South Glass, Sioux City, IA 51106		

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:		Number of process to be served with this Form - 285	
F. Richard Lyford Dickinson Law Firm 1600 Hub Tower, 699 Walnut Street Des Moines, IA 50309-3986		Number of parties to be served in this case	2
		Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Home Phone: (712) 276-3701

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

FEB - 8 1994

Signature of Attorney or other Originator requesting service on behalf of: <i>[Signature]</i>	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER (515) 244-2600	DATE 2-26-94
--	---	------------------------------------	-----------------

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. 29	District to Serve No. 29	Signature of Authorized USMS Deputy or Clerk <i>[Signature]</i>	Date 2-2-94
---	---------------	------------------------------	-----------------------------	--	----------------

I hereby certify and return that ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above) CLAYTON F. TONJES (HUSBAND)	<input checked="" type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address (complete only if different than shown above)	Date of Service 2-4-94
	Time 7:00 pm
	Signature of U.S. Marshal or Deputy <i>[Signature]</i>

Service Fee 40.00	Total Mileage Charges (including endeavors) 1.50	Forwarding Fee -0-	Total Charges 41.50	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
----------------------	---	-----------------------	------------------------	------------------	--------------------------------	------------------

REMARKS:

Recorded
Vol II

U.S. Department of Justice
United States Marshals Service

RECEIVED RECI T AND RETURN
U.S. Marshal for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF First National Bank of Sioux City as
Conservator for Michael L. Johnson, Jr. N/A
Dustin L. Johnson
DEFENDANT Clayton F. Tonjes and Sandra J. Tonjes
COURT CASE NUMBER
ADV No. X90-0132S
TYPE OF PROCESS
Writ of Execution

SERVE NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
Clayton F. Tonjes
AT ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
2731 South Glass, Sioux City, IA 51106

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

F. Richard Lyford
Dickinson Law Firm
1600 Hub Tower, 699 Walnut Street
Des Moines, IA 50309-3986

Number of process to be
served with this Form - 285

Number of parties to be
served in this case

2

Check for service
on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold

Home Phone: (712) 276-3701

Signature of Attorney or other Originator requesting service on behalf of:

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

(515) 244-2600

DATE

1-26-94

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total
number of process indicated.
(Sign only first USM 285 if more
than one USM 285 is submitted)

Total Process

District
of Origin

No. 29

District
to Serve

No. 29

Signature of Authorized USMS Deputy or Clerk

DR

Date

2-2-94

I hereby certify and return that I ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service

2-4-94

Time

7:00

pm

Signature of U.S. Marshal or Deputy

[Signature]

Service Fee 40.00	Total Mileage Charges (including endeavors) ON OTHER 285	Forwarding Fee — 0 —	Total Charges 40.00	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
----------------------	--	-------------------------	------------------------	------------------	--------------------------------	------------------

REMARKS:

RECEIVED
U.S. MARSHAL

United States Bankruptcy Court

94 JAN 31 AM 10:23

NORTHERN District of IOWA

N/IA
CEDAR RAPIDS

In re CLAYTON F. TONJES and
SANDRA J. TONJES

Bankruptcy Case No.
X90-00627S

Debtors

FIRST NATIONAL BANK OF SIOUX
CITY IOWA, as Conservator for

Plaintiff Michael L. Johnson, Jr. and
Dustin L. Johnson

v.

Adversary Proceeding No.
X90-0132S

Defendants CLAYTON F. TONJES and
SANDRA J. TONJES

WRIT OF EXECUTION TO THE UNITED STATES MARSHAL

Name and Address of Judgment Creditor

Merchants Bonding Company
c/o F. Richard Lyford
1600 Hub Tower, 699 Walnut Street
Des Moines, IA 50309-3986

Amount of Judgment:

\$40,000 and \$1,370.80

Clerk's Fee:

\$ -----

Other Costs:

\$ -----

Interest From: _____

\$ -----

Costs of this writ:

\$ -----

vs.

Name and Address of Judgment Debtor

Clayton F. Tonjes, Sandra J. Tonjes
2731 South Glass
Sioux City, IA 51106

TO THE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF IOWA:

You are directed to levy upon the property of the above named judgment debtor to satisfy a money judgment in accordance with the attached instructions.

TO THE JUDGMENT DEBTOR:

You are notified that federal and state exemptions may be available to you and that you have a right to seek a court order releasing as exempt any property specified in the marshal's schedule from the levy.

January 25, 1994

Date

Clerk of the Bankruptcy Court
BARBARA A. EVERLY

UNITED STATES MARSHAL'S RETURN

I received this writ on _____, and executed the same on _____.
(date) (date)

United States Marshal

By: _____
Deputy Marshal

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

BARBARA A. EVERLY, CLERK

STATE OF IOWA)
) SS:
COUNTY OF POLK)

You are hereby directed to levy under a writ of execution in the above-entitled cause and to make general demand on defendants Clayton F. Tonjes and Sandra J. Tonjes.

Dated January 17, 1994.

A handwritten signature in black ink, appearing to read "F. Richard Lyford", is written over a horizontal line.

F. RICHARD LYFORD

of

DICKINSON, MACKAMAN, TYLER & HAGEN, P.C.

1600 Hub Tower, 699 Walnut Street

Des Moines, IA 50309

(515) 244-2600

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ATTORNEYS FOR MERCHANTS

DICKINSON, MACKAMAN, TYLER & HAGEN, P.C.

RECEIVED
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N/IA
CEDAR RAPIDS

1600 HUB TOWER • 699 WALNUT STREET

DES MOINES, IOWA 50319-3986

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ADDISON M. PARKER

ROBERT D. THROCKMORTON

JOHN H. RAIFE

L. CALL DICKINSON
(1905-1974)

246-4553

January 26, 1994

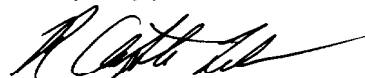
U.S. Marshals Service
308 6th Street
Sioux City, IA 51101

Re: Service of Writ of Execution

Dear Sir or Madam:

Enclosed please find a Writ of Execution issued by the Clerk of the U.S. District Bankruptcy Court for the Northern District of Iowa in favor of Merchants Bonding Company, along with completed forms USM-285 directing that service of the Writ be made on both Clayton F. Tonjes and Sandra J. Tonjes. Please serve the Writ and make demand for full payment from each of the judgment debtors. Please return to this office any payment or responses from the debtors as well as your bill for applicable costs of service. If you have any questions regarding this matter, please call me or Mr. Lyford. Thank you for your cooperation in this matter.

Very truly yours,



R. Christopher Lande

Enclosures

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

DEC 08 1997

IN RE:	)	Chapter 7
)	
CLAYTON F. TONJES and	)	Bankruptcy No. X90-00627S
SANDRA J. TONJES,)	
)	
Debtors,	)	Adversary No. X90-0132S
)	
FIRST NATIONAL BANK OF SIOUX)	
CITY, IOWA, as Conservator for Michael)	
L. Johnson, Jr. and Dustin L. Johnson,)	
	)	SATISFACTION OF JUDGMENT
Plaintiff,)	
)	
vs.)	
)	
CLAYTON F. TONJES and)	
SANDRA J. TONJES,)	
)	
Defendants.)	

COMES NOW Merchants Bonding Company and hereby states that the judgments entered in its favor against Clayton F. Tonjes and Sandra J. Tonjes on February 21, 1991 and December 17, 1993 have been satisfied in full.


F. RICHARD LYFORD, 478-507468

OF

DICKINSON, MACKAMAN, TYLER & HAGEN, P.C.

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ATTORNEY FOR MERCHANTS BONDING COMPANY.

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DEC 08 1997

F. RICHARD LYFORD
(515) 246-4514
RLYFORD@DICKINSONLAW.COM

December 5, 1997

Clerk of the U.S. Bankruptcy Court
Northern District of Iowa
800 The Center
425 2nd St. S.E.
P. O. Box 74890
Cedar Rapids, IA 52407

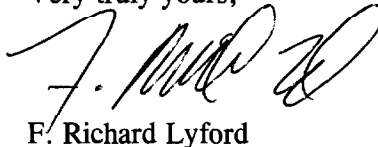
Re: Clayton F. Tonjes and Sandra J. Tonjes, Debtors
Bankruptcy No. X-90-00627S
Adversary No. X-90-0132S (Chapter 7)

Dear Clerk:

Enclosed please find an original and two copies of a Satisfaction of Judgment to be filed in the above-styled matter. Please file-stamp these and send one to Clayton J. Tonjes and Sandra J. Tonjes and one to me in the envelopes provided.

Thank you very much.

Very truly yours,



F. Richard Lyford

FRL/sil

Enclosures

cc: Clayton and Sandra Tonjes (with enclosure)

F:\RLYFORD\WP60\BANKCLK.LTR